

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT PORTER, JR.,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 12-5737 RJB-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 17). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the Administrative Law Judge (ALJ) shall give Plaintiff an opportunity for a new hearing, further develop the record, and issue a new decision. Specifically, the ALJ shall obtain updated medical records from Plaintiff's treating sources; further evaluate the medical source opinions, including but not limited to those of James W. Morgan, Ph.D. (Tr. 583-94, 595-97); further evaluate the opinions of Carmen M. Copeland, M.A. (Tr. 680-81), and Terry Shirley (Tr. 248) in accordance with Social Security Ruling 06-03p; further evaluate Plaintiff's impairments; further evaluate Plaintiff's credibility; and further


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1 evaluate Plaintiff's residual functional capacity. If warranted, the ALJ shall obtain medical  
2 expert testimony. Finally, if warranted, the ALJ shall obtain supplemental evidence from a  
3 vocational expert, ensuring that the vocational expert is provided with a hypothetical question  
4 that is consistent with the residual functional capacity ultimately found.

5 Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412,  
6 upon proper request to this Court.

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8 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
9 immediately approve this Report and Recommendation and order the case **REVERSED** and  
10 **REMANDED**. A proposed order accompanies this Report and Recommendation.

11 DATED this 3<sup>rd</sup> day of May, 2013.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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